

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

12/26/13

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CHRISTOPHER DORAN,

Plaintiff,

-against-

CAROLYN COLVIN,  
Commissioner of Social Security,

Defendant.

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REPORT & RECOMMENDATION

13 Civ. 6278 (JMF) (MHD)

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TO THE HONORABLE JESSE M. FURMAN, U.S.D.J.:

Deeming the annexed affidavit of plaintiff Christopher Doran to be tantamount to a Rule 41 notice of dismissal, I recommend that the complaint be dismissed without prejudice.

Pursuant to Rule 72 of the Federal Rules of Civil Procedure, the parties shall have fourteen (14) days from this date to file written objections to this Report and Recommendation. Such objections shall be filed with the Clerk of the Court and served on all adversaries, with extra copies to be delivered to the chambers of the Honorable Jesse M. Furman, Room 2202, 40 Foley Square, New York, New York 10007 and to the chambers of the undersigned, Room 1670, 500 Pearl Street, New York, New York

10007-1312. Failure to file timely objections may constitute a waiver of those objections both in the District Court and on later appeal to the United States Court of Appeals. See Thomas v. Arn, 474 U.S. 140, 150 (1985), reh'g denied, 474 U.S. 1111 (1986); Small v. Sec'y of Health and Human Services, 892 F.2d 15, 16 (2d Cir. 1989); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72, 6(a), 6(e).

DATED: New York, New York  
December 26, 2013

RESPECTFULLY SUBMITTED,



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MICHAEL H. DOLINGER  
UNITED STATES MAGISTRATE JUDGE

Copies of the foregoing Order have been sent this date to:

John E. Gura, Esq.  
Assistant U.S. Attorney  
Southern District of New York  
Fax: (212) 637-2750

Jose M. Grajales, Esq.  
J.L. Saffer, P.C.  
Fax: (718) 321-3679

## TITLE II COMPLAINT

CHRISTOPHER DORAN

Plaintiff,

vs.

Civil Action No.: 13 Civ. 6278

## PLAINTIFF'S AFFIDAVIT

CAROLYN COLVIN,

ACTING COMMISSIONER OF

Defendant

STATE OF NEW YORK

SS. 1

COUNTY OF WESTCHESTER

I, Christopher Doran, am the Plaintiff in the above-entitled action.

I have instructed my attorneys, José M. Grajales, Esq. and the Law Offices of Joseph A. Romano, P.C. to dismiss voluntarily my cause action.

I understand that by voluntarily dismissing my cause of action that I am giving up my claim for Social Security benefits under Title II of the Social Security Act. I understand that my claim for benefits under this cause of action was for retroactive benefits from December 31, 2008 and for prospective benefits.

I understand that I am giving up my right to have a federal judge, who is independent of the Social Security Administration, review my case, and make decisions about my case.

I understand that I have a right to file a new claim at my local office at any time, which is not the same as filing an appeal. I understand that based on my current work history that I remain insured with Social Security through December 31, 2013.

I have fully discussed this decision with my lawyers.

Christopher Doran  
Christopher Doran

## Christopher Doran

Subscribed and sworn to this 17 of November, 2013.

DAVID Y. HOM

Notary Public - State of New York

No. 02H06012458

QUALIFIED IN W. Va. COUNTY

COMMISSION EXPIRES, August 31st, 20.

PLAINTIFF'S AFFIDAVIT - 1